UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

JORDEAN LORAH

Plaintiff,

V.

Civil Action No. 06-538-SLR

TETRA TECH, INC.

Defendant.

DEFENDANT TETRA TECH, INC.'S OPPOSITION TO PLAINTIFF'S MOTION TO FILE AN EXTENSION

Plaintiff has sought an extension of time to respond to Defendant Tetra Tech, Inc.'s ("Tetra Tech") Motion to Dismiss Plaintiff's Amended Complaint. Tetra Tech respectfully requests that the Court deny that application on the following grounds:

PROCEDURAL HISTORY I.

Tetra Tech was served with Plaintiff's Complaint on March 13, 2007 by the United States Marshals Service. Tetra Tech filed its timely Motion to Dismiss on April 2, 2007. Plaintiff's opposition to the Motion to Dismiss was due on April 20, 2007. Plaintiff has not filed a response to that motion.

On April 27, 2007, counsel for Tetra Tech wrote to the Court to request dismissal in light of Plaintiff's failure to oppose Tetra Tech's motion to dismiss. On June 21, 2007, the Court entered a briefing schedule on the Motion to Dismiss, requiring Plaintiff to file a response by July 20, 2007.

Plaintiff again failed to respond. Nearly two weeks after the Court's July 20,

2007 deadline, Plaintiff filed the instant Motion to File an Extension.

II. **ARGUMENT**

Tetra Tech respectfully submits that the Court should deny the Extension Motion and Plaintiff's Amended Complaint should be dismissed. While Plaintiff's Amended Complaint may be construed liberally in light of her pro se status, Plaintiff is not excused from adhering to the Federal Rules of Civil Procedure, the Local Rules of this district or this Court's orders. The United States Supreme Court has made clear that procedural rules will not be interpreted in a way that excuses mistakes by pro se litigants. See McNeil v. United States, 508 U.S. 106, 113 (1993) ("[W]e have never suggested that procedural rules in ordinary civil litigation should be interpreted so as to excuse mistakes by those who proceed without counsel.").

This Court afforded Plaintiff an extension of three months beyond the time permitted by the Court's rules in which to respond to the Motion to Dismiss. Nearly a month after the expiration of that extension, Plaintiff has still not filed a substantive response. Instead, she has asked for an additional extension without offering a compelling justification for her failure to act.

Nothing in Plaintiff's Motion to File an Extension suggests that she can remedy or overcome the defects in her Amended Complaint. Rather, Plaintiff refers only to matters wholly unrelated to the issues raised in her Amended Complaint and the Motion to Dismiss and seeks additional time to retain counsel. Tetra Tech respectfully submits that an extension of time is not warranted here as Plaintiff has had nearly a year to retain counsel since she initiated these proceedings. Plaintiff has had sufficient time to secure representation and has offered no reasonable grounds to oppose Tetra Tech's motion to

dismiss.

III. <u>CONCLUSION</u>

For the foregoing reasons, Tetra Tech respectfully requests that the Court deny Plaintiff's Extension Motion and grant Tetra Tech's Motion to Dismiss Plaintiff's Amended Complaint with prejudice.

Of Counsel: Sara A. Begley Shannon Elise McClure REED SMITH LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103 Telephone: (215) 851-8100

Dated: August 17, 2007

Respectfully submitted,

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Attorneys for Defendant, Tetra Tech, Inc.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of Defendant Tetra Tech, Inc.'s Opposition to Plaintiff's Motion to File an Extension was served upon the following parties via United States, first class mail, postage prepaid, this 17th day of August, 2007:

Jordean Lorah 114 Walls Ave. Wilmington, DE 19805

David Wilks